

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

DIVISION

CASE NO. _____

5:06CV00144

24/1404

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
JUN 01 2006
JAMES W. McCORMACK, CLERK
By: _____ DEP. CLERK

I. Parties

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff: Frederick Pennington, Jr
ADC # 71305

Address: P.O. Box 600, Gandy, Ark, 71677

Name of plaintiff: _____

ADC # _____

Address: _____

This case assigned to District Judge Howard
and to Magistrate Judge Young

Name of plaintiff: _____

ADC # _____

Address: _____

This case assigned to District Judge _____
and to Magistrate Judge _____

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

B. Name of defendant: Wendy Kelly

Position: Deputy Director

Place of employment: Ark Dept of correction, central office

Address: P.O. Box 8707, Pine Bluff, Ark, 71611

Name of defendant: Ray Hobbs, Deputy Director

Position: Deputy Director

Place of employment: Ark Dept of correction central office

Address: P.O. Box 8707

Name of defendant: is Grant Harris, and Kim Luckett

Position: Warden and Ass: Grant Warden

Place of employment: Vainier and Vainier Supermarket

Address: P.O. Box 600, Brady, Ark, 71604

Name of defendant: L.M.S. Health Care Provider

Position: Health Care Provider

Place of employment: Ark Dept of Corrections

Address: P.O. Box 8707 Pine Bluff, Ark, 71611

II. Are you suing the defendants in: Additional Defendants
Continued on Attached
Sheet

- ☒ official capacity only
☐ personal capacity only
☐ both official and personal capacity

III. Previous lawsuits

A Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☒

B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

☐ Parties to the previous lawsuit:

Plaintiffs: Frederick Pennington, Jr.

Defendants: South West Regional Hospital
et al

- ☐ Court (if federal court, name the district; if state court, name the county): Eastern District of Arkansas
- ☐ Docket Number: 5:06 - CV - 00058
- ☐ Name of judge to whom case was assigned: Henry L. Jones and William R. Wilson
- ☐ Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) Appealed
- ☐ Approximate date of filing lawsuit: March 8, 2006
- ☐ Approximate date of disposition: Appeal Pending

IV. Place of present confinement: Van Ness Prison, Arkansas
Department of Correction

V. At the time of the alleged incident(s), were you:
(check appropriate blank)

☐ in jail and still awaiting trial on pending criminal charges

☒ serving a sentence as a result of a judgment of conviction

☐ in jail for other reasons (e.g., alleged probation violation, etc.)
explain: _____

VI. The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

A. Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes ☒ No ☐

B. Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure?

Yes ☒ No ☐

If not, why? _____

VII. Statement of claim

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

I have hepatitis C and have not received any medical treatment since I contracted the disease in 1998 although I've constantly tried to receive treatment for my sickness. I'm dying from the sickness of Hepatitis C because I have not received any treatment. I was taken to the Southwest Regional Hospital on March 3, 2006 and given a Biopsy, ultra sound, and 2 needles in my liver and was not given any medicine for Hepatitis C or the pain that I suffered. I was told that I would be taken back to the Southwest Regional Hospital in two weeks and be at the Hospital a long time for the treatment that I would receive by Sgt. Channay.

continued on following ⁴ page and attached Pages

Additional Defendants

Name of Defendants

Lt. Ivey and another civilian

John Doe officer

Position Correctional officers

Place of Employment: Pine Bluff Diagnostic

Address P.O. Box 8707, Pine Bluff, Ark 71611

Name of Defendants

Officers, Sgt. Burton and Sgt. Beatty

Position Sergeants, Correctional officers

Place of Employment Pine Bluff Diagnostic

Address: P.O. Box 8707, Pine Bluff, Ark, 71611

Name of Defendants

Southwest Regional Hospital, 1 John
Doe Doctor, 1 Emergency Room Receptionist,
Registered Nurse Shannon, Cathy, and
two other John Doe Nurses assign to
Radiology, and Diana, The Ultra sound
Technician, All of the Southwest Regional
Hospital, Little Rock, Ark.

Name of Defendant

Dr. Otis T. Gordon and A.P.N. Joe Lobbs
Position Doctor and Assistant Practitioner Nurse
Place of Employment. Doctors office and Jefferson
Regional medical center
1609 W. 40 Ave
Pine Bluff, Ark. 71603

and Sgt. Morris when I was at the South
West Regional Hospital off on I-17 and the
continued

VIII. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Trial by Jury, Imposition of a civil
penalty, Attorney Fees, \$25 million for
compensatory damages, and \$25 million
for Punitive Damages

I declare under penalty of perjury (18 U.S.C. § 1621) that the foregoing is true and correct.

Executed on this 17th day of May, 2006

Frederick Pennington Jr.

Signature(s) of plaintiff(s)

another John Doe formal correctional officer assign at the Southwest Regional Hospital from the Pine Bluff Diagnostic unit for security at the Hospital for inmates that were receiving medical treatment for Hepatitis C.

After I talk to R.N. Gannon and Cathy in Radiology, after I signed the commitment order in the Emergency room, and enter Radiology and R.N. Gannon draw my blood, I read and sign some papers, and told the nurses that I wanted to talk to the doctor before I signed the papers for the I.V.. After I talk with R.N. Gannon and Cathy, I told them that I would sign the papers and allowed them to start the I.V.

Registered Nurse R.N. Gannon tried to administer the I.V. and stuck me three times and had to get

assistant from R.N. Cathy. The nurses
 were walking around, and Sgt. Chorney,
 Sgt. Morris, and the other civilian correct-
 ional officer were talking, and then
 Officer Ivy came in and we all
 were talking and getting with the
 situation, familiar with the situation
 in the Hospital in Little Rock, Ark.
 I then was talking with the nurses
 and Diana, the ultra sound technician,
 dressed in red came in the room,
 Radiology. I talk with her, and
 she told me that she was talking to me
 in the ultra sound room. She be-
 gan to roll me in the ultra sound
 room, but before she rolled me out,
 there was some confusion if I was
 to stay at the hospital. Sgt. Chorney
 asked another nurse was I supposed to
 stay at the Hospital, and she was un-
 sure, and then said, you'll can take him

back

while Dams was rolling me into Radiology. She said that she was having difficulty taking me to the ultra sound room by rolling the stretcher down the hall. I talk with her and encouraged her to push the stretcher on down the hall of the hospital, and Sgt. Chaney followed behind us.

once we entered the Radiology I saw several patients assign to the hospital that was receiving treatment for hepatitis C, there was two very sick patients, and I saw another inmate that look like Jack willerson who was going through a lot of pain and look like he was dying from hepatitis C, or the lung transplant, or the treatment that he was receiving. The John Doe civilian clothes

family vocational officer witnessed the inmate dying and the pain that he was suffering

Hepatitis C is a dangerous sickness and can cause the spread of Liver Disease, and cause you to have Cancer, and die, or have a lung, Kidney, Liver, or heart cancer, disease, or transplant.

I need my medical treatment and I know in my heart and mind I should have stayed at the South West Regional Hospital for a year from the March 3, 2006 date that I was taken to the hospital to prevent my sickness from killing me, or having a heart, Liver, Kidney, or lung transplant or worse stage of the disease. I know my sickness is getting worse and I might be dying because I have not got my

medical treatment for hepatitis C.

In the ultra sound Room the machine drew my liver up on the computer screen.

I talk with Donna, then I talk with Sgt. Channy about the procedure. I then talk with the doctor. He then asked me about Dr. Ahmed by asking who was my doctor at the unit, and I told him Dr. Ahmed. He told me that infection could set in my liver.

The doctor then start drawing a spot on my right side, and I began to think of a vaccination I got when I was a child, and that's when the doctor stuck me with one of the instruments that he had in his hand. He then said, one more like that all to do it, and I said

Yeah, you right.

Sgt Morris relieved Sgt. Whinnery and gave him some food. Sgt. Whinnery stepped out the room. The R.N. Cathy then said we better take him and give him some lunch. R.N. Cathy pushed my stretcher. Colled my stretcher back in Radiology followed by Sgt. Morris. Once we got back in Radiology. R.N. Cathy gave me my lunch, and a soft drink. I told the R.N.s that I was in pain.

Whinnery, and Cathy worked off, and I told the R.N. that came on the 3 to 11 Shift that I was in pain, and needed some medication to stop the pain. She said that I could not have any medicine. I then

told Sgt. Channey that I was in pain and I need some medication to stop the pain. The other inmate was dying from his sickness of hepatitis C and they were giving him demoral for his pain. He may be dead by now from what I saw.

Sgt. Morris, and the other John Doe correctional officer in civilian clothes were sitting by Sgt. Channey when I told him that I was in pain and needed some medication to stop the pain.

Sgt. Channey told me not to think about the pain.

A little later the R.N. that denied me my medication told me to get in a wheel chair and rolled me out to the van.

I returned back to the prison, and I have not received any

medication for hepatitis C even though I've been in pain and requested the treatment, and down to sick call several times and notified medical workers and correctional officers at the prison that I'm sick

on May 4, 2006 I was taken to the Doctors Office that's hooked on to Jefferson Regional medical center in Pin Bluff, Ark. and denied my medical treatment for hepatitis C because after I talk with A.P.N. Joe Cobles, and during the conversation with Dr. Otis T. Gordon, he said that I did not have H.I.V., Hepatitis B, and that my medical file said that I had a thyroid problem, and that he would begin my medical treatment for a year up at the Doctors office and the Jefferson Regional

medical center J.R.M.C. soon as they
found up the thyroid problem. Dr.
Gordon said that he wanted to start
my treatment on May 4, 2006,
but after reading my medical file
I was sent back to the prison.

The Jefferson Regional medical center
and the doctors office is well advanced
to charge and treat any illness that
I had or was documented in my
medical file.

Dr. Gordon said that he would start
my treatment.

I was not told by any correctional
offices or medical worker at any hospital
or prison infirmary that I had a
thyroid problem.

I need to be committed in a
hospital for my medical treatment
to prevent myself from dying.

The nurse, Lambert said that I was sick and that I should be receiving my medical treatment but I have not got any medicine as of the filing of this complaint. Please order that I get my medical treatment at a hospital and that I'm going true diagnosis of what I need my medical treatment for.

Claim II

I have hepatitis c and the cages that they use as a recreation area for the inmates in the Vanner Supermax is filthy, and contaminated with bird droppings, lice, mites, and filth. It can infect me and cause me to worsen in my hepatitis c and the spread of Liver Disease, or one of the other internal organs to be-

come infected.

I should be given a more clean and safer environment and recreation area to prevent the spread of sickness and disease.

I also have asthma, and need a open yard for recreation. There is one left beside 6 cell blocks in the Supermax and should be made available to the inmates at the Vanner Supermax.

I can also contract with Wile disease from the mosquitoes that inhabit the cages that are used for a yard recreation area. They should open the yard for the inmates in Supermax that's beside 6 cell blocks in the Supermax, or tear down the cages in the back of the Supermax,

and make a proper open odore free
out door yard

In that my life is in danger from
the sickness of hepatitis C I must
be granted to proceed on my lawsuit
under the imminent danger of a serious
physical injury. Section 807 (d) adding
a new subsection, to be codified at
28 U.S.C. § 1915(g). See section D
of the Prison Litigation Reform Act
P.L.R.A. of this form included, and
attached of instances G.N. V.S.M. 06-00536,
and VSM 05-02490.

The United States District Court for
the Eastern District of Arkansas
must grant permission to proceed in
forma pauperis 28 U.S.C. § 1915(g),
and allow me to proceed with out
prepayment of fees in this case
because of the imminent danger of
a serious injury, and because at this

point I suffered malpractice, a deprivation of a serious medical need, and to unhealth environments, living conditions, and denied the proper medical treatment that I'm entitled;

Dr. Otis T. Gordon and A.P.N. Joe Lobos of the Doctors Office and Jefferson Regional medical center in Pine Bluff, and independent Medical Experts from U.A.M.S. Should be contact for Expert medical witnesses.

Fredrick Pennington Jr.

18 copies

INMATE NAME Frederick Pennington 071305 VSM-05-02490
ADC# GRIEVANCE #

DEPUTY/ASSISTANT DIRECTOR'S DECISION

I have reviewed your grievance (Att.1A) dated 12-22-05 in which you state, "The inmates have an open yard outside that the inmates should be permitted to use for proper recreation facility and to prevent disease infection and contamination from the infestation of bird droppings, insects, bugs and or lice that that inhabit on birds. Inmate should not have to a single man cage that is inhabited by the contamination of bugs and bird's insects, and bird waste and infestation." I have also reviewed the Warden's Response, your appeal to this office and Sgt. Taylor's statement.

Based upon my review your complaint was appropriately addressed at the Unit level and I concur with the response given.

Appeal denied.


SIGNATURE

5-9-06
DATE

GRIEVANCE FORM - (Attachment 1A)

FOR OFFICE USE ONLY

UNIT/CENTER V.S.M.

Grv. #

USM05-02490

Date Received

12-30-05

Grievance Code:

504

PLEASE PRINT

Name Fredrick Pennington Jr. ADC# 071305 Brks 603 Job Assignment uraIS THIS GRIEVANCE A MEDICAL GRIEVANCE? Yes No *****
All complaints/concerns should first be handled informally before proceeding to the formal grievance procedure.**THE ORIGINAL INFORMAL RESOLUTION FORM SHALL BE ATTACHED****Informal Action Taken**Have you discussed this problem with your designated problem-solver? Yes No If yes, give date Why do you feel the informal resolution was unsuccessful? The problem solver
never answered the informal resolution, as
refused at the Deputy Director Ray Hobbs
Should order the warden to allow inmates in the yard.
*****Please give a **BRIEF**, clear statement of your grievance. This statement must be specific as to the complaint, **dates**, places, personnel involved, how **you** were affected and what you want to resolve the issue. **One issue** or incident per grievance. Additional pages or forms will **not** be allowed and if attached, will result in the automatic rejection of this grievance without content review.The inmates have an open yard outside that
the inmates should be permitted to use for
proper recreation facility and to prevent
disease, infection, and contamination from
the infestation of bird droppings, in suits,
bugs, and so on. That that in habitat on
birds. Inmate should not have to a
single man cage that is in habitat by
the contamination of bugs and birds, in-
suits, and bird waste and infestationIS THIS AN EMERGENCY SITUATION? YES NO If yes, why? The single man bird
cages are filthy and infested and a health hazard.(An emergency situation is one in which you may be subject to a substantial risk or physical harm. It should not be declared for ordinary problems that are not of a serious nature.) If you marked yes, you may give this completed form to any officer or department employee who shall sign the attached emergency receipt, give you the receipt and deliver it without undue delay to the Unit/Center Supervisor or, in their absence, to the Unit/Center Assistant Warden. **REPRISALS** If you are harmed or threatened because of your use of the grievance form, report it immediately to the Warden.

RECEIVED

MAR 07 2006

12-22-05

INMATE SIGNATURE

DATE

INMATE GRIEVANCE SUPERVISOR

(TO BE FILLED OUT BY THE RECEIVING OFFICER)

RECEIPT FOR EMERGENCY SITUATIONS

OFFICER (Please Print) RobersonSignature [Signature]FROM WHICH INMATE? F. PenningtonADC# 071305DATE: 12/30/05TIME: 10:03 AM

INFORMAL RESOLUTION FORM (Attachment 1)

UNIT/CENTER _____

PLEASE PRINT

Name _____ ADC# _____ Brks _____ Job Assignment _____

IS THIS AN EMERGENCY SITUATION? YES _____ NO _____ If yes, why? _____

(An emergency situation is one in which you may be subject to a substantial risk or physical harm. It should not be declared for ordinary problems that are not of a serious nature.) If you marked yes, you may give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. You will be given a copy of this receipt by the designated problem-solving staff. REPRISALS: If you are harmed or threatened because of your use of the grievance form, report it immediately to the Warden.

Give a **BRIEF** statement of your complaint/concern. This statement must be specific as to the complaint, dates, places, personnel involved and how you were affected. One issue or incident per complaint form. Additional pages or forms will not be allowed.

The problem solver
returned it to Deputy Director, Ray H. H.
Should send the matter to allow inmate to file a grievance.

Inmate Signature _____

Date _____

THIS SECTION TO BE FILLED OUT BY STAFF ONLY.**STAFF RECEIPT AND ACTION TAKEN**

PRINT STAFF NAME (PROBLEM SOLVER) _____

Staff Code _____

Staff Signature / Date Received _____

Was this deemed an emergency? Yes _____ No _____

Was there a need to contact medical? Yes _____ No _____ If yes, give name of person contacted? _____

Describe action taken to resolve complaint, including dates. _____

Was issue resolved? Yes _____ No _____ Does inmate agree that issue was resolved? Yes _____ No _____

Staff Signature/Date _____

Inmate Signature/Date _____

DISTRIBUTION: YELLOW – Inmate Receipt

(AFTER COMPLETION) PINK – Problem Solver Copy

*ORIGINAL – Given back to the Inmate After Completion

RECEIVED

MAR 07 2006

INMATE GRIEVANCE SUPERVISOR

ADMINISTRATION BUILDING

810-00

INMATE NAME: Pennington, Frederick ADC #: 071305A GRIEVANCE #: VSM05-02490

WARDEN'S/CENTER SUPERVISOR'S DECISION

In Response To Your Grievance: Sgt Taylor advises that the recreation facility is cleaned approximately 3 times per week. The recreation yard is outside, there will be birds and insects in that area. Therefore, I find no merit in your grievance.

[Signature] *Warden* 2-27-06
 Signature of ARO or Title Date
 Warden's/Supervisor's Designee

INMATE'S APPEAL

If you are not satisfied with this response, you may appeal this decision within five days by filling in the information requested below and mailing it to the appropriate Deputy/Assistant Director. Keep in mind that you are appealing the decision to the original complaint. Do not list additional issues which are not part of your complaint.

WHY DO YOU NOT AGREE WITH THE RESPONSE? There is a large fenced in area right next to the super max that should be used for the supermax yard because super max and administrative supervision, and death row inmates must be given a outside recreation yard that does not pose a health hazard as the 1 man caged infested bug area in the back of the supermax. It is unhealthy and subjects everybody to lice, and other small insects that inhabit birds.

Frederick Pennington *06605* 3-1-06
 Inmate Signature ADC# Date

RECEIVED

MAR 07 2006

INMATE GRIEVANCE SUPERVISOR
ADMINISTRATION BUILDING

ACKNOWLEDGMENT OF GRIEVANCE

TO: Inmate Pennington, Fredrick ADC# 071305 Unit Varner Supermax

FROM: Wendy Kelley, Deputy Director

RE: Receipt of Grievance VSM06-00536

DATE: April 19, 2006

Please be advised, the appeal of your grievance dated 3/5/06
was received in my office on this date 4/17/06

You will receive a response from this office by 5/29/06

OR

☐ This grievance is being returned to you because the time allowed for appeal has expired

☐ This grievance is being returned to you because you have not attached

☐ the informal resolution (Attachment 1)

☐ the original grievance form (Attachment 1a)

☐ the Warden's/Center Supervisor's Decision (Attachment 2)

☐ the Infirmary Response and/or the Mental Health Response

☐ a clear statement of appeal (Back of Attachment 2)

Return your grievance with the checked items if you wish to continue the appeal process.

White-00536

03-10-06

INFORMAL RESOLUTION FORM (Attachment 1)UNIT/CENTER V.S.M.

PLEASE PRINT

Name Fredrick Pennington ADC# 071305 Brks 633 Job Assignment Y.A.IS THIS AN EMERGENCY SITUATION? YES ☒ NO ☐ If yes, why? The nurse notified
sgt Gibson and security to place me in the infirmary.

(An emergency situation is one in which you may be subject to a substantial risk or physical harm. It should not be declared for ordinary problems that are not of a serious nature.) If you marked yes, you may give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. You will be given a copy of this receipt by the designated problem-solving staff. REPRISALS: If you are harmed or threatened because of your use of the grievance form, report it immediately to the Warden.

Give a **BRIEF** statement of your complaint/concern. This statement must be specific as to the complaint, **dates**, places, personnel involved and how **you** were affected. **One issue** or incident per complaint form. Additional pages or forms will **not** be allowed.

I'm writing this informal resolution because several G.M.S. Health care providers and prison officers, and employees conspired to pressure the medical staff at South West Regional Hospital in Little Rock, Ark to prematurely release me from the Hospital after my ultra sound Biopsy without giving me any medication to prevent infection, internal bleeding from my liver and side, and pain, and placed me in a segregated cell after being notified by the

Fredrick Pennington Jr
Inmate SignatureMarch 5, 2006
Date**THIS SECTION TO BE FILLED OUT BY STAFF ONLY.****STAFF RECEIPT AND ACTION TAKEN**

PRINT STAFF NAME (PROBLEM SOLVER)

Staff Code

Staff Signature / Date Received

Was this deemed an emergency? Yes ☒ No ☐Was there a need to contact medical? Yes ☒ No ☐ If yes, give name of person contacted?Describe action taken to resolve complaint, including dates. it's not up to you whether or not you
stay in the hospital or the infirmary and your doctor makes
that decisionWas issue resolved? Yes ☒ No ☐Does inmate agree that issue was resolved? Yes ☒ No ☐Lt. M. Cobb 3-6-06
Staff Signature/DateFredrick Pennington Jr
71305
3-9-06
Inmate Signature/Date

DISTRIBUTION: YELLOW - Inmate Receipt

(AFTER COMPLETION) PINK - Problem Solver Copy

BLUE - Grievance Officer

ORIGINAL - Given back to the Inmate After Completion

810-00

RECEIVED
OFFICE OF THE
INVESTIGATOR
APR 17 2006
ARIZONA DEPARTMENT OF CORRECTIONS

GRIEVANCE FORM - (Attachment 1A)

FOR OFFICE USE ONLY

UNIT/CENTER V.S.M.Grv. # USM06-00536
Date Received 03-10-06
Grievance Code: 600

PLEASE PRINT

Name Frederick Pennings ADC# 71305 Brks 635 Job Assignment Y.A.
IS THIS GRIEVANCE A MEDICAL GRIEVANCE? Yes ☒ No ☐**All complaints/concerns should first be handled informally before proceeding to the formal grievance procedure.****THE ORIGINAL INFORMAL RESOLUTION FORM SHALL BE ATTACHED****Informal Action Taken**Have you discussed this problem with your designated problem-solver? Yes ☐ No ☒ If yes, give date 3-8-06Why do you feel the informal resolution was unsuccessful? ON Monday March 6, 2006 I gave Lt. Cobbs 2 informal resolutions when she pass my cell feeding with Mr. Allen. on March 8, 2006 when she worked on I tried to call her and get them to no avail.Please give a **BRIEF**, clear statement of your grievance. This statement must be specific as to the complaint, **dates**, places, personnel involved, how **you** were affected and what you want to resolve the issue. **One issue** or incident per grievance. Additional pages or forms will **not** be allowed and if attached, will result in the automatic rejection of this grievance without content review.

I'm writing this informal resolution because several times Health care providers and prison officials, and employees conspired to prevent the medical staff at south west Regional Hospital in Little Rock, Ark to prematurely release me from the hospital after my wife's second biopsy without giving me my my medications to prevent infection, internal bleeding from my liver and side and pain, and place me in a segregated cell after being notified better.

IS THIS AN EMERGENCY SITUATION? YES ☒ NO ☐ If yes, why? I should have been placed in a hospital and given proper medical treatment.

(An emergency situation is one in which you may be subject to a substantial risk or physical harm. It should not be declared for ordinary problems that are not of a serious nature.) If you marked yes, you may give this completed form to any officer or department employee who shall sign the attached emergency receipt, give you the receipt and deliver it without undue delay to the ARO, the Warden/Center Supervisor or, in their absence, to the Unit/Center Assistant Warden. REPRISALS: If you are harmed or threatened because of your use of the grievance form, report it immediately to the Warden.

Inmate Signature Frederick Pennings
INMATE SIGNATURERECEIVED
OFFICE OF THE
INVESTIGATOR3-5-06
DATE

(TO BE FILLED OUT BY THE RECEIVING OFFICER)

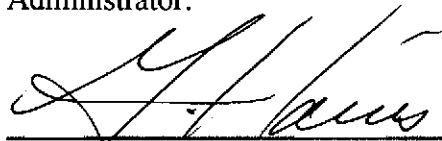
RECEIPT FOR EMERGENCY SITUATIONSOFFICER (Please Print) S. JacksonFROM WHICH INMATE? F. PenningtonDATE: 3/6/06TIME: 6:00amADC# 71305

INMATE NAME: Pennington, Frederick ADC #: 071305A GRIEVANCE #: VSM06-00536

WARDEN'S/CENTER SUPERVISOR'S DECISION

Your Grievance Was Received On 03-10-06

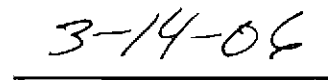
I have determined that your grievance is a medical matter. I have forwarded your grievance to the Medical Administrator who will provide a written response, and/or will interview you within twenty working days of the date I received your grievance. Should you receive no response within this time frame, or the response that you received is unsatisfactory, you may appeal to the Deputy Director for Health and Correctional Programs. If you have medical needs that you believe are urgent, put in a Sick Call Request, or send a Request for an interview to the Medical Administrator.



Signature of ARO or
Warden's/Supervisor's Designee



Title



Date

RECEIVED
OFFICE OF THE
INVESTIGATOR

INMATE'S APPEAL

APR 17 2006

If you are not satisfied with this response, you may appeal this decision within five days by filling in the information requested below and mailing it to the appropriate Deputy/Assistant Director. Keep in mind that you are appealing the decision to the original complaint. Do not list additional issues which are not part of your complaint.

WHY DO YOU NOT AGREE WITH THE RESPONSE? on April 11, 2006 I

received the response from CMS. I had a ultra sound Biopsy at south west Regional Hospital. I was sent back before the test was completed without any medication to prevent infection, pain, internal bleeding or my Hepatitis C (HCV). There were patients on the Hospital with the same condition as I, and are still on the Hospital. I should have stayed in the Hospital to all my test and medications were complete and issued. I was told my liver is infected and that I do need medication treatment. That have been scheduled.

Inmate Signature

ADC#

Date

CMS GRIEVANCE RESPONSE

GRIEVANCE#: VSM06-00536

INMATE: <u>Pennington, Frederick</u>	ADC#: <u>071305</u>	DOB: <u>08/23/1961</u>
Facility: <u>Varner Super Max [F02]</u>	Barracks: <u>CB05</u>	
Grv. Date: <u>03/10/2006</u>	Date Infirmary Recd: <u>03/20/2006</u>	Response Date: <u>03/31/2006</u>

Interview: Required ☒ Deferred ☐**Inmate's Complaints: (Code:)**

Denial of Treatment (601) Should have stayed in the hospital for proper treatment.

Responses:

In reviewing your medical record ,it indicates that you were scheduled for a Liver Biopsy on 3/03/06 at South West Hospital,as out patient. There was no documentation of where you were to stay in the hospital for any treatment on 3/03/06. Your Liver Biopsy report was reviewed by Dr. Ahmed and a consult was submitted for Gastroenterology on 3/30/06. Your consult is pending for approval. Mrs Hubbard reviewed the biopsy report with you on 4/03/06 ,with no new problems .

Recommendations:

Waiting approval of consult.

Ann M. Eddy, RN, HSA 3/31/06

Responding Staff

Date

Follow Up Required?: Yes ☒ No ☐RECEIVED
OFFICE OF THE
INVESTIGATOR

APR 17 2006

HEALTH & CORRECTIONAL PROGS.
AR DEPT. OF CORRECTION

ACKNOWLEDGMENT OF GRIEVANCE

TO: Inmate Pennington, Fredrick ADC# 71305 Unit Varner Supermax
FROM: Wendy Kelley, Deputy Director
RE: Receipt of Grievance VSM06-00855
DATE: May 8, 2006

Please be advised, the appeal of your grievance dated 4/16/06
was received in my office on this date 5/8/06

You will receive a response from this office by 6/16/06

OR

- ☐ This grievance is being returned to you because the time allowed for appeal has expired
- ☐ This grievance is being returned to you because you have not attached
- ☐ the informal resolution (Attachment 1)
 - ☐ the original grievance form (Attachment 1a)
 - ☐ the Warden's/Center Supervisor's Decision (Attachment 2)
 - ☐ the Infirmary Response and/or the Mental Health Response
 - ☐ a clear statement of appeal (Back of Attachment 2)

Return your grievance with the checked items if you wish to continue the appeal process.

ACKNOWLEDGMENT OF GRIEVANCE

TO: Inmate Pennington, Fredrick ADC# 71305 Unit Varner Supermax

FROM: Wendy Kelley, Deputy Director

RE: Receipt of Grievance VSM06-00839

DATE: May 8, 2006

Please be advised, the appeal of your grievance dated 4/16/06
was received in my office on this date 5/8/06

You will receive a response from this office by 6/16/06

OR

☐ This grievance is being returned to you because the time allowed for appeal has expired

☐ This grievance is being returned to you because you have not attached

☐ the informal resolution (Attachment 1)

☐ the original grievance form (Attachment 1a)

☐ the Warden's/Center Supervisor's Decision (Attachment 2)

☐ the Infirmary Response and/or the Mental Health Response

☐ a clear statement of appeal (Back of Attachment 2)

Return your grievance with the checked items if you wish to continue the appeal process.

ACKNOWLEDGMENT OF GRIEVANCE

TO: Inmate Pennington, Fredrick ADC# 71305 Unit Varner Supermax
FROM: Wendy Kelley, Deputy Director
RE: Receipt of Grievance VSM06-00820
DATE: May 8, 2006

Please be advised, the appeal of your grievance dated 4/12/06
was received in my office on this date 5/8/06

You will receive a response from this office by 6/16/06

OR

- ☐ This grievance is being returned to you because the time allowed for appeal has expired
- ☐ This grievance is being returned to you because you have not attached
- ☐ the informal resolution (Attachment 1)
 - ☐ the original grievance form (Attachment 1a)
 - ☐ the Warden's/Center Supervisor's Decision (Attachment 2)
 - ☐ the Infirmary Response and/or the Mental Health Response
 - ☐ a clear statement of appeal (Back of Attachment 2)

Return your grievance with the checked items if you wish to continue the appeal process.

ACKNOWLEDGMENT OF GRIEVANCE

TO: Inmate Pennington, Fredrick ADC# 71305 Unit Varner Supermax

FROM: Wendy Kelley, Deputy Director

RE: Receipt of Grievance VSM06-00818

DATE: May 8, 2006

Please be advised, the appeal of your grievance dated 4/09/06
was received in my office on this date 5/8/06

You will receive a response from this office by 6/16/06

OR

☐ This grievance is being returned to you because the time allowed for appeal has expired

☐ This grievance is being returned to you because you have not attached

☐ the informal resolution (Attachment 1)

☐ the original grievance form (Attachment 1a)

☐ the Warden's/Center Supervisor's Decision (Attachment 2)

☐ the Infirmary Response and/or the Mental Health Response

☐ a clear statement of appeal (Back of Attachment 2)

Return your grievance with the checked items if you wish to continue the appeal process.